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September 5, 2013

The Honorable Patrick J. Toomey
248 Russell Senate Office Building
Washington, DC 20510

RE: MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Dear Senator Toomey:

On February 16, 2012, Congress passed into law House Bill 3630, recognized as the Middle Class Tax Relief and Job Creation Act of 2012 (the "Act"). Title VI of the Act stipulates that public safety licenses be relocated from the UHF-T Band (470-512 MHz) spectrum within the next nine to eleven years. York County's new \$40 million public safety radio system currently resides in the affected spectrum.

In an effort to address a decades old two-way radio communications system that is utilized by more than 4,000 local police, fire, EMS and EMA end users, the York County Board of Commissioners invested \$70 million in 2003 to fund a virtual overhaul of the entire emergency services communication system. Approximately \$40 million was allocated to implementing a state-of-the-art two-way radio system and associated infrastructure. A decision to acquire fifty-four channels in the UHF-T Band spectrum was made at that time to facilitate this new, robust public safety radio system.

With the passage of the Act, York County will now be forced to invest an additional \$28 million to acquire and rebuild the radio communications system county-wide using the 700 MHz D block spectrum set aside for public safety entities. This rebuild comes only five years after the new emergency services radio system came on-line.

The Board of Commissioners wishes to express their significant concerns regarding the potential cost burden this Act places on taxpayers as well as County, municipal and other end-users. The Act indicates that the vacated licenses in the UHF-T Band spectrum will be auctioned off in a competitive bidding process to raise funds to "cover relocation costs for the relocation of public safety entities". The Act does not indicate who will be responsible for any costs incurred above the amount of funds raised via the auction.

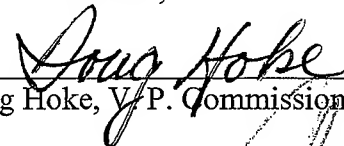
The uncertainty of this potential cost burden is unsettling and troublesome. We strongly suggest that Congress revisit the Act and make clear how those entities relocated from the UHF-T Band spectrum will be "kept whole" for costs associated with the rebuilding of their public safety communication systems. It is irresponsible for government officials to mandate a change of this magnitude without fully defining the funding process and sources. Local taxpayers will be outraged when they learn that the County will be required to discard its new \$40 million radio system and begin again. With a useful life of twenty years, the current system would be capable of meeting the County's needs well into the future. Adding another \$28 million to the County's outstanding debt burden long before the existing system is amortized will be a hard-sell to the already struggling taxpayers of York County.

We urge you to review the provisions of this Act and develop a sound funding mechanism to relieve any financial burden from those entities forced to relocate to other radio spectrum. This matter needs to be addressed with a sense of urgency as there are clearly defined timelines associated with the Act and acquisition of new frequency spectrum is difficult and time consuming.


THE YORK COUNTY BOARD OF COMMISSIONERS



Steve Chronister, President Commissioner



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This letter was also prepared and sent to U.S. Senators Robert P. Casey Jr. and Scott Perry

CC:

State Senators

Lloyd Smucker
Rob Teplitz
Michael Waugh
Patricia Vance
Richard Alloway II

York County Representatives

Keith Gillespie
Mike Regan
Ronald Miller
Stanley Saylor
Kevin Schreiber
Will Tallman
Seth Grove